

PTO/SB/21 (08-03)

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**TRANSMITTAL
FORM**

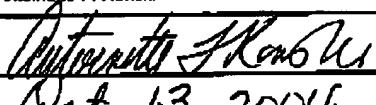
(to be used for all correspondence after initial filing)

		Application Number	08/573,569
		Filing Date	December 14, 1995
		First Named Inventor	Husein F. MAASAB
		Art Unit	1648
		Examiner Name	Parkin, Jeffrey S.
Total Number of Pages in This Submission	16	Attorney Docket Number	JM 2002.01

ENCLOSURES (check all that apply)

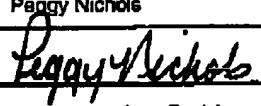
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Copy of Notice of Abandonment, Copy of Response to Office Action as filed on July 14, 2004 and Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Bingham McCutchen LLP Antoinette F. Konski
Signature	
Date	Oct. 13, 2004

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Typed or printed name	Peggy Nichols		
Signature		Date	October 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. UM 2002.01

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Signature: Peggy Nichols Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hunein F. MAASAB, et al.
Filing Date: December 14, 1995
Serial No.: 08/573,569
Title: COLD-ADAPTED INFLUENZA VIRUS

Examiner: Parkin, Jeffrey S.
Art Unit: 1648
Confirmation No. 5671

**PETITION REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. § 1.8(b)**

Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

On September 21, 2004, a Notice of Abandonment was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. The ground for abandonment was Applicants' alleged failure to timely respond to the Office Action issued on January 14, 2004. Enclosed is a copy of this Notice.

The Notice was issued in error and therefore, Applicants respectfully request withdrawal of the holding of abandonment and request that the application be returned to active status. On July 14, 2004 a response to the Office Action along with a Petition for a Three Month Extension of time was filed via U.S. mail. Further to 37 C.F.R. § 1.8(b)(2), enclosed is a complete copy of the response as filed and a copy of the U.S. Patent Office stamped postcard confirming receipt by the U.S. Patent Office mailroom of the reply on July 19, 2004. A personal statement pursuant to 37 C.F.R. § 1.8(b)(3) is not enclosed since the U.S. Patent Office mailroom stamp establishes receipt of these documents by the U.S. Patent Office.

No fee is considered necessary in connection with the filing of this Communication. However, Applicants' undersigned attorney authorizes the Commissioner to charge other fees which may be considered necessary by the Commissioner in connection with the filing of these documents to Deposit Account No. 50-2518, referencing billing number 7009813001.

If a telephone interview would advance examination of the application, the Office is invited to telephone the undersigned attorney at the number provided below.

Respectfully submitted,

Date: Oct. 13, 2004


Antoinette F. Konski
Reg. No. 34,202

Bingham McCutchen LLP
Formerly McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Telephone: (650) 849-4950
Telefax: (650) 849-4800

U.S. PATENT AND TRADEMARK OFFICE, U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

Application Number

08/573,569

Filing Date

December 14, 1995

First Named Inventor

Hunein F. Maassab

Art Unit

1648

Examiner Name

J. Parkin

Attorney Docket Number

UM 2002.01

ENCLOSURES (check all that apply)

Fee Transmittal Form

Fee Attached

Amendment / Reply

After Final

Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)

Licensing-related Papers

Petition

Petition to Convert to a Provisional Application

Power of Attorney, Revocation Change of Correspondence Address

Terminal Disclaimer

Request for Refund

CD, Number of CD(s)

After Allowance Communication to Group

Appeal Communication to Board of Appeals and Interferences

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

Proprietary Information

Status Letter

Other Enclosure(s)
(please identify below)

Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Bingham McCutchen LLP
Antoinette F. Konrad

Signature

Date

CERTIFICATE OF MAILING

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Typed or printed name

Peggy Nichols

Signature

Date

July 14, 2004

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (S) 583

Application Number	08/572
Filing Date	December 14, 1995
First Named Inventor	Husain F. Maassab
Examiner Name	J. Parkin
Art Unit	1848
Attorney Docket No.	UM 2002.01

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
Order

Deposit Account:

Deposit
Account
Number

50-2518

Deposit
Account
Name

Bingham McCutchen LLP

The Director is authorized to: (check all that apply):

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEES CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (S)	Fee Code (S)		
1001	770	2001	366
1002	840	2002	170
1003	530	2003	255
1004	770	2004	385
1005	180	2005	60
SUBTOTAL (1)		(S) 0	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	23	-20	= 8	X 18 = 108
Independent Claims	2	-3	= 0	X 0 = 0
Multiple Dependent			X 0 = 0	

Large Entity

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (S)	Fee Code (S)		
1202	16	2202	8
1201	66	2201	43
1203	290	2203	145
1204	88	2204	43
1205	18	2205	8
SUBTOTAL (2)		(S) 108	

*or number previously paid, if greater. For Reissues, see above

FEES CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (S)	Fee Code (S)		
1051	130	2051 55	
1052	50	2052 25	
1053	150	1053 130	Surcharge - late filing fee or oath
1812	2,520	1812 2,520	Surcharge - late provisional filing fee or cover sheet
1804	820*	1804 820*	Non-English specification
			For filing a request for reexamination
			Requesting publication of SIR prior to Examiner action
			Requesting publication of SIR after Examiner action
			Extension for reply within first month
			Extension for reply within second month
			Extension for reply within third month
			Extension for reply within fourth month
			Extension for reply within fifth month
			Notice of Appeal
			Filing a brief in support of an appeal
			Request for oral hearing
			Petition to institute a public use proceeding
			Petition to revive - unavoidable
			Petition to revive - unintentional
			Utility issue fee (or release)
			Design issue fee
			Plant issue fee
			Petitions to the Commissioner
			Processing fee under 37 CFR 1.17 (d)
			Submission of Information Disclosure Stmt
			Recording each patent assignment/transfer of property (list number of properties)
			Filing a submission after final rejection (37 CFR 5 1.120(a))
			For each additional invention to be examined (37 CFR 5 1.128(b))
			Request for Continued Examination (RCE)
			Request for expedited examination of a design application
Other fee (specify)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (S) 476

SUBMITTED BY

Name (Print/Type)	Ambient - tonal	Registration No. 4,397,490 (Examiner's Agent)	34-202	Telephone	(703) 843-4550
Signature	<i>John F. McCutchen</i>				
	Date <i>July 14, 2004</i>				

Complete (if applicable)

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FEET TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 583)

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Other None
Order
 Deposit AccountDeposit
Account
Number

50-2518 **DUPLICATE COPY
FOR FEE PROCESSING**
Bingham McCutchen LLP

The Director is authorized to (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description				Fee Paid
Fee Code (S)	Fee Code (S)	Fee (\$)	Fee (\$)	Fee Code (S)	Fee (\$)	
1001 770	2001 385	Utility filing fee				
1002 340	2002 170	Design filing fee				
1003 630	2003 265	Plant filing fee				
1004 770	2004 385	Reissue filing fee				
1005 160	2005 80	Provisional filing fee				

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	25 -20 **	6 X 18	108
Independent Claims	2 -3 **	0 X 0	0
Multiple Dependent		X 0	0

Large Entity	Small Entity	Fee Description				
Fee Code (S)	Fee Code (S)	Fee (\$)	Fee (\$)	Fee Code (S)	Fee (\$)	
1202 18	2202 9	Claims in excess of 20				
1201 66	2201 43	Independent claims in excess of 3				
1203 250	2203 145	Multiple dependent claim, if not paid ** Reissue independent claims over original patent				
1204 96	2204 43	** Reissue claims in excess of 20 and over original patent				
1205 18	2205 9					

SUBTOTAL (2) (\$ 108)

** or number previously paid, if greater. For Reissues, see above.

Complete if Known	
Application Number	08/574...
Filing Date	December 14, 1995
First Named Inventor	Marvin F. Maassab
Examiner Name	J. Parkin
Art Unit	1848
Attorney Docket No.	UM 2002.01

FEE CALCULATION (continued)

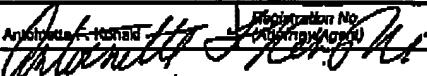
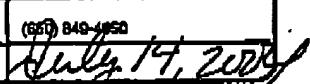
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description		Fee Paid
Fee Code (S)	Fee Code (S)	Fee (\$)	Fee (\$)	
1051	190	2051	65	
1052	50	2052	25	
1053	190	1053	190	
1612	2,520	1612	2,520	
1804	820*	1804	820*	
1805	1,840*	1805	1,840*	
1251	110	2251	110	
1252	420	2252	210	
1253	850	2253	475	475
1254	1,480	2254	740	
1255	2,010	2255	1,005	
1401	350	2401	165	
1402	350	2402	165	
1403	350	2403	145	
1451	1,510	1451	1,510	
1452	110	2452	55	
1453	1,350	2453	665	
1501	1,350	2501	665	
1502	480	2502	240	
1503	640	2503	320	
1460	130	1460	130	
1807	50	1807	50	
1808	180	1808	180	
8021	40	8021	40	
1809	770	2809	385	
1810	770	2810	385	
1801	770	2801	385	
1802	900	1802	900	
Other fee (specify) _____				

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 476)

SUBMITTED BY

Name (Print/Type)	Address/Street (Indicate Agent)	Registration No.	84, 202	Telephone	(650) 849-4950	Complete if applicable
Signature				Date		

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Express Mail No.	EV 313 811 249 US	Due Date:	July 14, 2004
Date Delivered	October 13, 2004	Docket No./ Billing No.:	UM 2002.01 2023980-7009813001 afk/pn

Applicant(s): Hunein F. Maasab, et al.
Title: Cold-Adapted Influenza Virus
Serial No.: 08/573,569

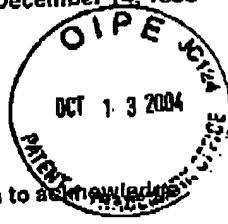
Filing Date: December 14, 1995

Mail Stop Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450

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1. Transmittal Form (1 pg);
2. Petition to Withdraw Holding of Abandonment No Fee Required Pursuant to
CFR § 1.181 (2 pgs);
3. Complete Copy of Amendment and Response to Office Action dated
July 14, 2004 (11pgs);
4. Copy of Notice of Abandonment (2 pgs) and
5. Return Postcard



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